

May 11, 2018

OFFICE OF
GENERAL COUNSEL

2018 JUL 12 AM 11:06

Office of General Counsel
Federal Election Commission
1050 First Street, NE
Washington, DC 20463

MUR # 7441

John H. Eichelberger, Jr.
643 Hillside View Drive
Duncansville, PA 16635

To the Office of General Counsel:

This letter serves as a complaint against "Defending Main Street SuperPAC Inc." (FEC ID: C00540203), which is an *independent expenditure-only Super PAC* registered with the Federal Election Commission, and "Dr. John Joyce for Congress" (FEC ID: C00674259), which is the *Principal Campaign Committee* for John Joyce, a candidate in the Republican primary for Pennsylvania's 13th Congressional District.

Dr. John Joyce for Congress utilizes the services of a Harrisburg, Pennsylvania-based political and media consulting firm, Red Maverick Media, LLC, located at 403 N. Second Street, FL2, Harrisburg, PA 17101. On the Pre-Primary Report filed by Dr. John Joyce for Congress filed on May 3, 2018, there were the following expenditures made to Red Maverick Media and its subsidiary, Maverick Finance:

- April 2, 2018: \$1,540.00 to Red Maverick Media for Autocalls
- April 20, 2018: \$9,313.78 to Red Maverick Media for Advertising & Printing Expense
- April 20, 2018: \$23,428.00 to Red Maverick Media for Direct Mail

100474101/07

- April 20, 2018: \$1,007.00 to Red Maverick Media for Advertising
- April 6, 2018: \$5,000.00 to Maverick Finance for Fundraising Consulting Fees
- April 20, 2018: \$1,209.02 to Maverick Finance for Printing Expenses

Pages from Dr. John Joyce for Congress's FEC Form 3 report detailing the expenditures above is attached to this Complaint as **Exhibit A**.

Please note that Defending Main Street SuperPAC Inc. has made expenditures opposing John Joyce's opponents Arthur L. Halvorson and John H. Eichelberger, Jr., who are also Republican candidates running in the Pennsylvania's 13th Congressional District (formerly Pennsylvania's 9th Congressional District). According to Twenty-Four Hour Independent Expenditure Reports filed by Defending Main Street SuperPAC Inc., they have been using the services of the same political consulting firm, Red Maverick Media, as Dr. John Joyce for Congress:

- May 9, 2018: \$22,400.00 to Red Maverick Media for Mailhouse opposing Art Halverson
- May 7, 2018: \$26,490.00 to Red Maverick Media for Mailhouse opposing Art Halverson
- May 1, 2018: \$75,921.00 to Red Maverick Media for Mailhouse opposing Art Halverson

The Twenty-Four Hour Independent Expenditure Reports filed by Defending Main Street SuperPAC Inc. with the FEC detailing the expenditures above are attached to this Complaint as **Exhibit B**.¹

¹ Defending Main Street SuperPAC Inc. listed Pennsylvania's 9th Congressional District—not Pennsylvania's 13th Congressional District—on its Twenty-Four Hour Independent Expenditure Reports. On February 19, 2018, the Pennsylvania Supreme Court adopted a remedial plan for Pennsylvania's Congressional Districts. Opinion & Order, *League of Women Voters of Pa. v. Commonwealth*, No. 159 MM 2017 (Pa. Feb. 19, 2018). As a result of the Pennsylvania Supreme Court's Order, the area formerly in the 9th Congressional District is now numbered the 13th Congressional District.

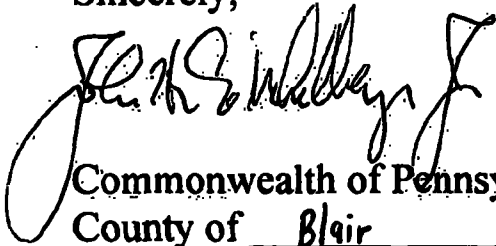
None of these independent expenditures state that they are opposing John H. Eichelberger, Jr.—only Arthur L. Halvorson. Earlier in May 2018, however, Defending Main Street paid for a mail piece sent to voters in Pennsylvania's 13th Congressional District which clearly attacks John H. Eichelberger, Jr. A copy of the mail piece is attached to this Complaint as **Exhibit C**.

16047467-00
Federal Election Commission regulations prohibit a commercial vendor from (A) developing media strategy, including the selection or purchasing of advertising slots; (B) selection of audiences; (D) fundraising; (E) developing the content of a public communication; (F) producing a public communication; (G) identifying voters or developing voter lists, mailing lists, or donor lists; (H) selecting personnel, contractors, or subcontractors; or (I) consulting or otherwise providing political or media advice to the candidate who is clearly identified in the communication, the candidate's authorized committee, or the candidate's opponent during the previous 120 days. 11 C.F.R. § 109.21(d)(2).

Given that both Dr. John Joyce for Congress and Defending Main Street SuperPAC Inc. are using the same media and political consulting firm—Red Maverick Media—in the same congressional race, it appears that there is illegal coordination between John Joyce's campaign and the Defending Main Street SuperPAC Inc. through a common vendor. 11 C.F.R. § 109.21(d). Given the limited size of Red Maverick Media, it is likely they do not have proper "firewall" procedures to prohibit the flow of information between employees or consultants providing services to Dr. John Joyce for Congress and employees or consultants providing services to Defending Main Street SuperPAC Inc. or a written policy distributed to all employees. 11 C.F.R. § 109.21(h). Moreover, no other safe harbor applies to the conduct at issue. See 11 C.F.R. § 109.21.

I urge the Federal Election Commission to further investigate this matter.

Sincerely,



Commonwealth of Pennsylvania
County of Blair

Signed and sworn to before me on May 14, 2018 (date)

by John H. Eichelberger, Jr. (name of individual making statement).



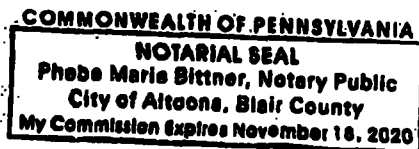
Signature of notarial officer

Notary Public

Title of office

My commission expires: November 18, 2020

Stamp:



16044463710